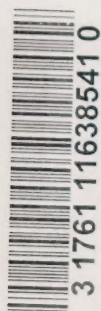


CAI
SH 800
- 80L04



The Consultative Group on Research and Education in Law

Profile of Published Legal Research

A report to the Consultative Group on Research and Education in Law
based on a survey of Canadian legal publications

Alice Janisch

The following publications of the Consultative Group on Research and Education in Law are available on from the Social Sciences and Humanities Research Council of Canada:

Canadian Law Professors, A Report to the Consultative Group on Research and Education in Law based on the 1981 survey of full-time law professors in Canada. John S. McKennirey, 1982.

Canadian Law Faculties, A Report to the Consultative Group on Research and Education in Law based on the 1981 survey of Canadian law faculties and statistics of the Canadian deans of law. John S. McKennirey, 1982.

Profile of Published Legal Research, A Report to the Consultative Group on Research and Education in Law based on a survey of Canadian legal publications. Alice Janisch, 1982.

Sources of Support for Legal Research, A Report to the Consultative Group on Research and Education in Law based on a survey of foundations, law reform commissions, departments of justice, and attorneys and solicitors general in Canada. John S. McKennirey, 1982.

address:

Social Sciences and Humanities Research Council of Canada
255 Albert Street
P.O. Box 1610
Ottawa, Ontario, Canada
K1P 6G4





Digitized by the Internet Archive
in 2023 with funding from
University of Toronto

<https://archive.org/details/31761116385410>

The Consultative Group on Research and Education in Law

Profile of Published Legal Research

A report to the Consultative Group on Research and Education in Law
based on a survey of Canadian legal publications

Alice Janisch

Contents

1. Introduction.....	1
2. Description of Survey.....	1
3. Journals Surveyed.....	2
4. Monographs Surveyed.....	2
5. Classification by Subject and Methodology.....	4
6. Origins of Published Legal Research.....	4
7. Subjects of Published Legal Research.....	5
8. Methodology of Published Legal Research.....	11
9. Theses.....	13
10. Conclusion.....	18
App. 1. List of Journals Surveyed.....	19
2. Monographs Other Than Research.....	21
3. Journal Articles by Subject and Methodology.....	22
4. Monographs by Subject and Methodology.....	32

PROFILE OF PUBLISHED LEGAL RESEARCH

1. Introduction

The Consultative Group has as its mandate evaluation of the state of legal scholarship. As part of its examination of legal scholarship the Consultative Group has conducted a survey of legal researchers in Canada in order to profile both teaching activities and research being conducted. One result of the questionnaire survey is a comprehensive profile of research completed and in progress, whether or not published. To complete the picture of research the Consultative Group commissioned a survey of research which has been published.

This Profile of Published Legal Research is the result of a survey of monographs and selected scholarly journals made in order to ascertain what is actually being published. It draws a complementary statistical profile of published research in law. It has been conducted employing as nearly as possible the same designations of subject and methodology as those employed in the survey of legal researchers. As it covers both contemporary and historical publication, the statistics may be used for comparison of contemporary research conducted and published as well as contemporary and historical research published.

2. Description of the Survey

There is a great deal of publication in law in Canada covering a spectrum of works ranging from very superficial popular works to compendiums of rules or legislation to serious scholarly research works, and from strictly legal subjects to cross-disciplinary subjects to subjects related to law. While all have value according to their intended purposes or markets, this survey emphasizes the more scholarly research works. Of course, it must be recognized that this interpretation of research excluded much publication associated with continuing legal education.¹ There is no clear line that divides neatly the less scholarly from the serious popular and so a certain amount of subjective evaluation has gone into the selection of "research work" for inclusion in the study. To reduce the subjectivity it was decided that nothing under eight pages, nothing obviously designed as a self-counsel work would be included, that some form of analysis was required and that the work must have been published and generally available. Within this framework the criteria for designation were generous and most works involving research and analysis were included in the survey.

The years selected to be surveyed were 1978-80 and retrospectively, 1968 and 1958. For these years monographs and journals are profiled separately. There is also a brief summary of theses, separate as these are not actually published and generally available.

¹ See Appendix 2 for the number of educational works acquired by York University Law Library

3. Journals Surveyed

Twenty-two scholarly journals were selected to be profiled.² In total, 1,627 articles in 99 volumes were analyzed and designated according to the subject or subjects of the article and the methodology or methodologies employed in the research as evidenced in the written work.

TABLE 1

	<u>1958</u>	<u>1968</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>TOTAL</u>
Articles surveyed	136	287	407	423	374	1,627
Journal volumes surveyed	14	19	22	22	22	99
Authors represented	145	301	437	432	416	1,731

Eight of the journals began publication after 1958; three began with volume one in 1958. There was an increase in the number of articles in each volume until 1980 when the number of articles decreased. The volume of writing did not decrease in 1980; the articles, though fewer in number, were longer.

The scope of the journal survey was necessarily limited. It could have been expanded by additional legal journals, by identifying articles on law published in non-law journals, by identifying articles by Canadians on Canadian law published in foreign journals and by surveying all of this over additional years. Such a monumental survey would not, however, have produced a significantly different profile of legal research publication than that produced by the survey conducted. For example, the proportion of foreign writers published in Canadian legal journals for the years surveyed is not significant statistically and an informal survey of several volumes indicates that the same is true of Canadian writers published in foreign journals. The greater part of Canadian legal publication is represented in this survey.

4. Monographs Surveyed

While journals are kept forever in volumes identified by the year of publication, monographs are not. Monographs in libraries are classified and arranged by subject with other access by author, title and alternate subjects. Date of imprint is not an ordinary organizational requirement. Canadian Books in Print separates law books in several subject areas and requires only that a book be in print in a given year, not that it have been published in that year. Canadiana, the national bibliography, is an annual catalogue of Canadian books classed by subject but presents insurmountable difficulties for a survey of law books published in a given year. First, the books in a given year of the bibliography are not always published in that year; appearance of a book in Canadiana merely means that the book was processed by the National Library during that year. Thus, the

² See Appendix 1 for detailed list.

1980 volume may contain bibliographical information on books published during 1980, 1979, 1978 and some earlier years while not including many books published during 1980 but not yet processed. Second, though it is a classed catalogue with a section on law, as the National Library is a general library there is a tendency to avoid use of the law numbers except for strictly law books. Unavoidably legal material is, of course, to be found in the numbers 340-349, but any related, interdisciplinary or empirical work is more likely to be found in the "other" subject, whatever it may be. For example, regulation of commerce, communications or transportation would be classed with those subjects, economic regulation generally in 330 et seq with Economics, administrative agency studies in 350 et seq with Public Administration, and legal history in the 900's with History. This means that much legal research is scattered through a wide area of the catalogue.

Fortunately for the purposes of this survey the York University Law Library has maintained for many years a separate file of its acquisitions of Canadian works by date of imprint. The Law Library policy of acquiring all Canadian trade publications in law, published law reform commission papers, all Canadian theses in law and all available ephemera in both the official languages means that, with few exceptions, every Canadian legal publication available is represented in the Library collection. Related subjects not law were separated out. Works on law but not scholarly research were enumerated separately for comparative purposes.³ Monographs representing legal research were analyzed in the same manner as the journal articles and designated according to the subject or subjects of the work and the methodology or methodologies employed in the research as evidenced in the written work.

This survey therefore is of articles published in the major legal journals and of legal monographs acquired by the major law library. It is a survey of publication and thus provides a profile of what is readily available. Much research is undertaken on contract and, while completed, is never published. The survey is complete within its terms of reference. It could not identify all research, some of it mentioned above: unpublished research, ephemera not acquired by York University Law Library, research published in foreign journals, research published in scholarly journals of other disciplines. However, with this in mind, it is believed that this is a reliable profile of published legal scholarship in Canada.

³ See Appendix 2 for law monographs other than legal research acquired by York University Law Library.

5. Classification by Subject Area and Methodology

All journal articles and monographs surveyed were classified according to the 87 subject areas and 7 methodologies in the Consultative Group's questionnaire survey of legal academics and law reformers. Certain subjects were added to supplement the list of subjects. In addition, authors of journal articles were grouped according to occupation and monographs were grouped according to origin (i.e. publisher type).

6. Origins of Published Legal Research

The profile of legal researchers developed by the Consultative Group is the result of a questionnaire survey of academics and law reformers. The survey of journals shows, as might be expected, that the largest group of writers represented by far is from Faculties of Law, with from 37% to 53% of the articles depending on the year studied. The proportion rises from 1958 to 1978 as more law schools begin publishing journals. Law reformers are included here in the group "Government" which accounts for a small percentage of articles, but this may be explained by looking at Law Reform Commission publications in Table 3, "Origins of Monographs". Law reformers are published more in government monographs than in journals. The only other significant journal writers are law students (13% to 21%) and practitioners (9% to 23%). The proportion of journal articles by practitioners has fallen during the period surveyed as that by academics has risen, but this cannot be explained simply by the introduction of more academic journals as the absolute number has risen only slightly (from 34 to 55) while the absolute number of articles by academics has risen from 53 to 215.

TABLE 2

Occupations of Journal Authors

	<u>1958</u>		<u>1968</u>		<u>1978</u>		<u>1979</u>		<u>1980</u>	
Faculty (Law)	53	37%	141	47%	231	53%	214	50%	215	52%
Faculty (Other)	3	1%	19	6%	18	4%	41	9%	22	5%
Student (Law)	30	21%	61	20%	73	17%	68	16%	56	13%
Student (Other)	0	-	3	1%	1	-	1	-	1	-
Practitioner/ Avocat	34	23%	39	13%	54	12%	39	9%	55	13%
Notary	3	2%	3	1%	3	1%	4	1%	13	3%
Government ¹	8	6%	11	4%	36	8%	37	9%	34	8%
Judge	4	3%	8	3%	9	2%	11	2%	5	1%
Other ²	2	1%	5	2%	8	2%	9	2%	10	2%
Unidentified	<u>9</u>	6%	<u>11</u>	4%	<u>4</u>	1%	<u>8</u>	2%	<u>5</u>	1%
TOTAL	145		301		437		432		416	

¹ "Government" is primarily Law Reform Commission.

² "Other" is primarily Accountants and Economists.

Monographs have been grouped according to origin in Table 3. The occupations of monograph authors are not always apparent, while the origin of the monograph usually is and gives a sense of the purpose for which the monograph was intended. Many of the commercially published and law reform commission monographs were written by academics; law reform commission monographs were also written by staff. Many of the government monographs were not attributed.

The number of commercially published casebooks has doubled during the period surveyed while the percentage has halved, due to the greater rise in number of other kinds of publications. Both the number and percentage of treatises has risen until in 1980 treatises account for 66% of monograph publication. After 1968, Commission, Task Force and Inquiry reports declined in number, while law reform commission studies and reports increased in number through 1978 and in proportion through 1980.

The number of Canadian monographs acquired by York University Law Library declined by 1980. Clearly this is the result of current economic conditions, but it cannot be attributed to the Library's decreased purchasing power as the Library has made fewer purchases of foreign materials and continues to acquire all Canadian legal materials. Therefore, it must be concluded that there has been a general decline in the number of legal research monographs published in Canada.

TABLE 3

Origins of Monographs

	1958		1968		1978		1980	
	No.	%	No.	%	No.	%	No.	%
Commercial Casebooks	5	13%	4	2%	16	4%	10	5%
Commercial and Institutional Monographs (Treatises)	13	33%	97	46%	148	39%	126	66%
Commission, Task Force and Inquiry Reports	9	23%	45	21%	27	7%	8	4%
Law Reform Commission Studies and Reports	0	-	7	3%	40	10%	22	11%
Legislative Reports	2	6%	2	-	9	2%	3	2%
Government Monographs	8	20%	39	18%	114	30%	26	13%
Briefs and Submissions	<u>2</u>	6%	<u>17</u>	8%	<u>27</u>	7%	<u>0</u>	-
TOTALS	39		211		381		195	

7. Subjects of Published Legal Research

Subjects found in both journals and monographs are spread evenly over a wide range of the subjects in the survey list. Almost all subjects found in journals and monographs during the period surveyed represented less than 5% of that year's output. In both types of publications, as might be

expected, certain subjects appeared more than others but there is no sense of the great bulk of legal writing's being confined to a few subjects or of a currently popular subject's utterly monopolizing print. Those subjects most represented throughout the period surveyed, Constitutional Law, Taxation, Criminal Law, Evidence and International Law, never account for more than 6 - 8% of publication in normal years. Where monograph publication in a subject area exceeds 10% in a year studied, it can be explained by the existence of a Royal Commission or other inquiry into that subject,⁴ which has resulted in extra emphasis on that subject in the randomly selected year. Had another set of years been selected for the survey, the existence of other inquiries would have resulted in temporary statistical prominence of the subjects of those inquiries.

Apart from this occasional inquiry-produced subject prominence the overall profile of the subjects of legal writing is one of balance and evenness. Certain subjects were found in one form of publication more than in the other. For example, Evidence was the subject of 2 - 7% of the journal articles, while it was the subject of no monographs in 1958 and 1968 or 1% in other years. Similarly, International Law was the subject of 4 - 6% of the journal articles but of no monographs or 1%. Differences between the subjects represented in journals and in monographs can be understood in part by reference to Tables 2 and 3 showing the occupations of journal authors and the origins of monographs. Where more than half of journal articles originate in academia and more than half of monographs originate commercially it is natural that subject emphasis differs. Perhaps it is surprising that the differences are not greater than the survey shows.

As almost all subjects represent a small percentage of publication and vary randomly during the years surveyed, it is difficult to find trends in the figures. The only significant dominance is the field of tax, which has consistently been the subject of more articles and more monographs than any other subject except for the occasional subject of an inquiry. But as tax was the subject of only 5 - 8% of journal articles and of 6 - 19%⁵ of monographs it doesn't really dominate publication. Minor changes in percentage of publication in a subject show a decrease in monographs on Municipal Law and Planning and Labour Relations and of journal articles on Commercial Law, Conflicts and Evidence, while there has been an increase in monographs on Constitutional Law and Criminology and subjects such as Legal History, Medical Law and Native People have grown from nothing to small percentages.

Tables 4 and 5 show the percentage of publication according to subject and year. The actual numbers of journal articles and monographs published in the years surveyed are in Appendices 3 and 4.

⁴ e.g., in 1968 there was a federal Task Force on Labour Relations, and in 1978 the Ontario government studied electronic funds transfer and freedom of information.

⁵ The 19% figure is for monographs in 1968 which is the result of the usual tax publication as well as the Carter Commission on Taxation.

TABLE 4

Subjects of Journal Articles

SUBJECT	1958	1968	1978	1979	1980
Administration of Justice	1%	2%	2%	3%	2%
Administrative Law		2%	6%	4%	5%
Agency		-	1%	-	
Air		-		-	
Arbitration			-		1%
Bailment			-		
Bankruptcy	1%			-	-
Banking	1%		-	1%	1%
Children	1%	1%	3%	2%	1%
Citizenship			2%	2%	-
Civil/Common		1%	-		1%
Civil Rights	4%	3%	3%	4%	2%
Combines	1%	1%	2%	1%	-
Commercial	3%	2%	2%	1%	1%
Communications		-	1%	1%	1%
Comparative					-
Compensation to Victims of Crime		1%			-
Computers		2%	-		-
Conflicts	5%	2%	2%	1%	1%
Constitutional	6%	7%	3%	9%	5%
Consumer Protection		2%	1%	1%	1%
Contracts	6%	2%	4%	2%	6%
Cooperatives	1%		-		
Copyright	1%		-	-	-
Corporations	2%	4%	3%	3%	2%
Creditor/Debtor	1%	2%	2%	1%	1%
Criminal	8%	5%	5%	6%	5%
Criminal Procedure	3%	3%	2%	2%	3%
Criminology/Penology		1%	1%	1%	1%
Damages	1%	1%	1%	2%	1%
Divorce	1%	3%	1%	1%	-
Religious		-	-	-	
Economics	1%	-	1%	2%	3%
Education	1%	1%			-
Employment		-	1%	1%	1%
Environmental			1%	-	-
Estate Planning					-
Evidence	7%	2%	4%	3%	2%
Expropriation	1%	1%	1%	1%	
Family	3%	1%	3%	2%	3%
Government		1%	-	3%	1%
Immigration	1%	-	-	-	
Native People		1%	-	-	1%
Industrial Property			-	-	
Insurance	2%	1%	1%	1%	1%
International	6%	6%	4%	6%	4%
Jurisprudence	1%	2%	2%	2%	1%
Labor Relations	3%	2%	1%	2%	2%
Land	1%	1%	1%	1%	1%

TABLE 4

Subjects of Journal Articles

SUBJECT	1958	1968	1978	1979	1980
Landlord/Tenant	1%		1%		1%
Law for Laymen					-
Law Reform		-	1%	-	
Legal Aid		-	1%	-	-
Legal Education		1%	1%	1%	2%
Legal History - Canadian		-	-	1%	1%
Legal History - Other	1%	1%		-	
Legal Profession	2%	3%	1%	1%	1%
Legal Research		-		-	1%
Legislation		-	-	1%	2%
Limitations		-			
Medical		-	1%	1%	2%
Motor Vehicles	1%	1%	-		
Municipal/Planning	1%	1%	-	1%	1%
Natural Resources	1%	2%	2%	2%	3%
Negotiable Instruments				-	-
Para-legal Services					
Patents and Trade Marks		-		-	
Personal Property	1%				
Persons	1%			-	-
Poverty		-			
Practice and Procedure	1%		-	1%	1%
Privacy				-	1%
Private International		-	1%	1%	1%
Restitution			1%	1%	1%
Space				-	-
Statistics			1%	1%	-
Statutory Interpretation		1%	1%		1%
Tax	6%	7%	8%	5%	6%
Tort	4%	4%	3%	2%	3%
Trade Unions	3%	1%	1%	-	1%
Transportation		-		-	-
Trusts	1%	1%	-	-	-
Unemployment Insurance					
Water	2%		1%		-
Wills and Estates	1%	1%	1%	1%	1%
Women	1%			1%	
Other		1%	1%	1%	-
Maritime		1%	-	-	-
Civil Procedure		-	1%	-	-
Energy					
Law Enforcement		-	1%	-	1%
Military	1%			-	
Products Liability	1%	-		1%	1%
Real Property		2%	1%	1%	-
Regulation		1%	1%	1%	2%
Remedies			-	-	1%
Securities		2%	2%	2%	1%
Workers' Compensation				1%	1%
Sentencing		1%	-	1%	-

- represents less than .5% (usually a single article).

TABLE 5

Subjects of Monographs

SUBJECT	1958	1968	1978	1980
Administration of Justice		4%	3%	5%
Administrative Law		1%	3%	3%
Agency		-	1%	
Air				1%
Arbitration			1%	1%
Bailment				
Bankruptcy		-	1%	
Banking		1%	2%	
Children		-	4%	2%
Citizenship			-	
Civil/Common				
Civil Rights		4%	4%	2%
Combines	15%	1%	2%	
Commercial	3%	-	1%	2%
Communications		1%	-	1%
Comparative	3%			
Compensation to Victims of Crime		1%	-	
Computers		1%		
Conflicts	3%	-	1%	1%
Constitutional		3%	2%	6%
Consumer Protection			1%	
Contracts		1%	1%	
Co-operatives		-	-	
Copyright	3%		1%	1%
Corporations		1%	2%	3%
Creditor/Debtor	3%		2%	3%
Criminal	3%	3%	3%	2%
Criminal Procedure		1%	1%	2%
Criminology/Penology		1%	7%	5%
Damages	3%		1%	1%
Divorce		-	1%	
Religious		-		1%
Economics	5%	-	2%	3%
Education		1%	-	1%
Employment			1%	2%
Environmental		-	2%	1%
Estate Planning			-	
Evidence			1%	1%
Expropriation	3%	-		
Family		4%	4%	3%
Government		4%	5%	3%
Immigration			-	
Native People		1%	2%	3%
Industrial Property	3%			
Insurance		1%	1%	1%
International		1%	1%	1%
Jurisprudence			-	2%
Labor Relations	10%	12%	2%	4%
Land	5%	-	1%	1%

TABLE 5

Subjects of Monographs

SUBJECT	1958	1968	1978	1980
Landlord/Tenant	3%	-	1%	1%
Law for Laymen				
Law Reform				
Legal Aid			2%	1%
Legal Education			-	
Legal History - Canadian			1%	
Legal History - Other				
Legal Profession		1%	1%	1%
Legal Research			-	1%
Legislation			-	1%
Limitations			-	1%
Medical		1%	2%	3%
Motor Vehicles		1%	1%	
Municipal/Planning	8%	4%	2%	1%
Natural Resources				1%
Negotiable Instruments			-	
Para-legal Services			-	
Patents and Trade Marks	3%			
Personal Property				1%
Persons			-	
Poverty		1%		
Practice and Procedure	3%	-	-	1%
Privacy		1%	2%	1%
Private International				1%
Restitution				
Space				
Statistics				1%
Statutory Interpretation			-	
Tax	10%	19%	6%	6%
Tort		1%	1%	3%
Trade Unions		1%		1%
Transportation		1%	1%	2%
Trusts				1%
Unemployment Insurance		-	-	
Water		1%		
Wills and Estates		-	-	2%
Women - legal status		1%	1%	1%
Other	10%	-	7%	2%
Maritime			-	
Civil Procedure		2%	1%	2%
Energy			1%	
Law Enforcement		-	3%	4%
Military		-		
Products Liability			1%	
Real Property			2%	
Regulation	3%	1%	2%	4%
Remedies			-	
Securities		1%		1%
Workers' Compensation	3%		-	
Sentencing		-	-	

- represents less than .5% (usually a single article).

The Tables can only summarize in statistical form the profile of subjects of legal publication. Each publication may have been tabulated once if it were about a single subject, or up to three times if it were about more than one of the subjects on the survey list. For example, a lengthy article on consent was tabulated in "Medical Law", "Criminal Law" and "Tort" as it was equally about all three. Thus the number of times works are tabulated according to subject is greater than the numbers of articles or monographs surveyed.

One trend found during the survey which is not readily apparent in Tables 4 and 5 is a trend in journal articles to greater complexity in subjects. The number of journal articles on subjects crossing boundaries of traditional legal subjects increased. To some extent this reflected limitations in the subject list which included some "new" subjects, such as legal status of women, but not others, such as franchising which is part contract, part commercial and part corporations. But even keeping this in mind there was apparent a trend to cross the traditional barriers and relate the traditional subjects in non-traditional ways. Figures taken from Table 1 and Appendix 3 compare the numbers of journal articles and subjects in them for each year surveyed:

TABLE 6

	<u>1958</u>	<u>1968</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>% Increase</u>
No. Articles surveyed:	136	287	407	423	374	175%
No. Subjects found:	158	381	563	563	579	266%
% more subjects than articles:	16%	33%	38%	33%	55%	

Journal articles increased overall (ignoring the peak in 1979) by 175% while subjects found increased by 266%! Also, subjects as a percentage over number of articles increased from 16% to 55%. Clearly articles are becoming increasingly multi-subject.

8. Methodology of Published Legal Research

All writing was classified according to the methodological approaches to legal research employed in the survey of legal researchers: Doctrinal, Theoretical, Comparative (Canadian and International), Historical, Empirical and Interdisciplinary. As with the classification of subjects above, many of the items examined exhibited more than one methodological approach, and so the number of times works are tabulated according to methodology is greater than the number of articles or monographs surveyed. In part because of their greater size and complexity, monographs were found often to combine doctrine with a significant element of theory. Because of this nearly uniform combination of doctrine with some theory, these two methodologies were combined for Table 8 below and Appendix 4. The designations of methodology may differ in some cases from the researchers' perceptions of what methodologies were involved in research. The emphasis in the survey was on the methodologies apparent from an examination of the article or monograph and not on any background research not in evidence.

The figures indicate that published legal research is very much of a doctrinal and theoretical nature. In both monographs and journal articles, the doctrinal and theoretical methodologies taken together exceed 75% for every year but one (journal articles, 1980 total 71%).

TABLE 7

Methodologies of Journal Articles

	<u>1958</u>	<u>1968</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>
Doctrinal	66%	51%	60%	52%	53%
Theoretical	20%	29%	23%	25%	18%
Comparative (Canadian)	-	-	2%	1%	2%
Comparative (Int'l)	3%	6%	2%	3%	5%
Historical	8%	7%	7%	12%	12%
Empirical	3%	5%	5%	5%	4%
Interdisciplinary	-	1%	2%	3%	5%

TABLE 8

Methodologies of Monographs

	<u>1958</u>	<u>1968</u>	<u>1978</u>	<u>1980</u>
Doctrinal and theoretical	82%	92%	90%	90%
Comparative (Canadian)	3%	-	-	-
Comparative (Int'l)	3%	-	1%	1%
Historical	-	1%	4%	4%
Empirical	13%*	6%	5%	4%
Interdisciplinary	-	-	-	-

The only trends apparent from the figures are an increase in historical writing and a decrease in doctrinal and interdisciplinary writing in journals (though still accounting for more than half of journal writing). The small amount of comparative, empirical and interdisciplinary writing continues with no significant change.

Much comparative writing was classified as doctrinal or theoretical in addition and so must be seen as not significantly different, in terms of methodology, from the doctrinal and theoretical categories.

Empirical research, unlike traditional legal research based upon published doctrine, requires significant funds and staff, administration and, increasingly, technological aid in handling data. Major empirical studies are few and far between. Close examination of selected publication years has resulted in tabulation of the few each year, but has necessarily missed important empirical research published in years not selected for study.⁶ In other words, a small amount of empirical research has always been done but does not appear to be increasing in volume.

* This unusually high figure results from a series of industry investigations regarding combines and not from a general number of empirical studies.

⁶ For example, Bradbook, "An Empirical Study on Attitudes of Judges...", 49 Can. Bar Rev. 557 (1971); Friedland, Detention Before Trial, Toronto: U. of Toronto Press, 1965; Peck, "A Behavioral Approach to the Judicial Process: Scalogram Analysis," 5 OHLJ 1 (1967); Friedland, Access to the Law, Toronto: Carswell, 1975.

The problems associated with undertaking empirical research are not confined to Canada. The Commissioner of the Law Reform Commission of New South Wales recently wrote:

In Australia and elsewhere, some law reform commissions have rarely had the inclination or resources to undertake significant empirical research. Largely as a result of this tradition, our own efforts have been constrained by lack of money and appropriate staff. There is also an acute shortage of outside researchers with expertise and experience suitable for such work.⁷

The existence of empirical research may be based not upon a need for new information or analysis but upon the ability of an individual or organization to assemble the necessary funds and staff to carry out the research. For example, almost all journal articles by law students were classified as doctrinal or theoretical; while this may reflect a doctrinal or theoretical emphasis in their education⁸ it may be more important that most law students lack experience and access to funds necessary for empirical research.

It is apparent from the survey that traditional legal writing continues to dominate publication. This observation is based upon an examination of traditional journals and formally published monographs. Certainly some non-traditional legal research is published in non-traditional ways and some commissioned research is not meant for publication. The journals examined play a known role in the publication spectrum so that writing submitted to them for publication may be skewed in the direction of the known role while writing that would not be expected to be published there would be submitted elsewhere. However, such a large sample of publication was surveyed that the figures resulting would not be expected to be changed a great deal by the addition of figures from a slightly larger sample.

9. Theses

The profile of theses does not differ very much from that for journals and monographs. The only larger proportions are in Air Law which is the result of the volume of theses at the McGill Institute of Air and Space Law and in Criminology which may simply be the result of the availability of the incarcerated for study.

⁷ Julian Disney, "Progress Report on the New South Wales Law Reform Commission's Inquiry Into the Legal Profession", 52 Aust.L.J. 568 at 572 (1978).

⁸ In connection with this theory it is interesting to note that the University of Toronto Faculty of Law is adding a course on social science research methodologies, to be taught by a sociologist.

As with journal articles by law students the theses were predominantly doctrinal and theoretical in methodology.

Unfortunately the figures for 1980 are incomplete.

TABLE 9

Subjects of Theses by Number and Per Cent

SUBJECT	1958		1968		1978		1980	
Administration of Justice	2	7%	3	5%	2	3%	1	17%
Administrative Law					5	8%		
Agency								
Air			9	14%	7	11%		
Arbitration	1	4%	1	2%	1	2%		
Bailment								
Bankruptcy								
Banking								
Children			1	2%				
Citizenship								
Civil/Common								
Civil Rights			2	3%				
Combines			2	3%				
Commercial	1	4%	1	2%				
Communications					1	2%		
Comparative								
Compensation to Victims of Crime								
Computers								
Conflicts								
Constitutional	1	4%	3	5%	3	5%		
Consumer Protection								
Contracts	2	7%	1	2%	1	2%		
Cooperatives								
Copyright								
Corporations			3	5%	1	2%		
Creditor/Debtor								
Criminal	1	4%	1	2%	2	3%		
Criminal Procedure	1	4%	1	2%	1	2%		
Criminology/Penology	2	7%	5	8%	14	22%		
Damages								
Divorce			1	2%	1	2%		
Religious								
Economics						2%		
Education					1			
Employment					2	3%	1	17%
Environmental			1	2%				
Estate Planning								
Evidence	2	7%	2	3%			1	17%
Expropriation								
Family	1	4%					1	17%
Government			4	6%				
Immigration								
Native People								
Industrial Property							1	17%
Insurance			1	2%				
International	4	15%	4	6%	1	2%		
Jurisprudence	1	4%	2	3%	3	5%		
Labor Relations	1	4%	2	3%	2	3%		
Land								
Landlord/Tenant								

SUBJECT	1958	1968	1978	1980
Law for Laymen				
Law Reform				
Legal Aid				
Legal Education			1 2%	
Legal History - Canadian		1 2%		
Legal History - Other			1 2%	
Legal Profession			1 2%	
Legal Research				
Legislation				
Limitations				
Medical			1 2%	
Motor Vehicles				
Municipal/Planning				
Natural Resources	1 4%	1 2%	1 2%	
Negotiable Instruments				
Para-legal Services				
Patents and Trade Marks				
Personal Property				
Persons				
Poverty		1 2%		
Practice and Procedure				
Privacy				
Private International		2 3%		
Restitution				
Space				
Statistics				
Statutory Interpretation				
Tax	2 7%	3 5%	2 3%	1 17%
Tort	2 7%	1 2%	1 2%	
Trade Unions		1 2%	1 2%	
Transportation		1 2%	1 2%	
Trusts				
Unemployment Insurance	3 11%			
Water				
Wills and Estates				
Women				
Other*			1 2%	
Maritime				
Civil Procedure				
Energy				
Law Enforcement			2 3%	
Military				
Products Liability				
Real Property		2 3%	3 5%	
Regulation				
Remedies				
Securities		1 2%		
Workers' Compensation				
Sentencing				
TOTAL	27	63	64	6

* Game Laws

TABLE 10

Methodologies of Theses

		D&TH	C ₁	C ₂	H	E	I	Totals
1958	Number	22	-	-	3	2	-	= 27
	Per cent	81%			11%	7%		
1968	Number	52	-	1	10	-	-	= 63
	Per cent	83%		2%	16%			
1978	Number	48	-	3	7	6	-	= 64
	Per cent	75%		5%	11%	9%		
1980	Number	6	-	-	-	-	-	= 6
	Per cent	100%						

D&TH - Doctrinal/Theoretical

C₁ - Comparative (Common Civil)

C₂ - Comparative (Transnational)

H - Historical

E - Empirical

I - Interdisciplinary

10. Conclusions

As with any statistical analysis the figures are capable of different interpretations. For some this profile presents confirmation of narrow traditional lines of legal research. For others it offers evidence of growth in the quantity of research, a widening in the range of subjects of research and a broadening of approach to subjects through cross-subject analysis.

It should come as no surprise that traditional (doctrinal and theoretical) methodologies remain dominant in legal scholarship. Legal scholarship in Canada is conducted in the atmosphere of judicial creation. The common law especially is a tradition based on precedent and the interpretation of the meanings of words, "thinking and arguing ... from language that is found in past opinions ...,"⁹ so it follows naturally that most research is devoted to the interpretation of words.

The literature which forms the precedent becomes the foundation of research.

In the large precedent consists in an official doing over again under similar circumstances substantially what has been done by him or his predecessor before. ... in society at large, we know (this) as folkways or as institutions, and ... as habits.¹⁰

Written decisions concerning "doing over again ... substantially what has been done ... before" provide the meanings of words in context. The meaning of the law is found through the words; legislation acquires meaning through application in cases.

Within the narrow traditional view of law the rules must be paramount. Involvement in the settlement or avoidance of disputes requires knowledge of the rules by which disputes are settled or avoided as future disputes are to be decided by the same authors of the rules. But the narrow view ignores the effect of the rules on society, the background of the development of the rules and the limitations of the literature of the courts.¹¹

Legal scholarship which is conducted from this traditional approach is concerned with the rules created in the settlement of disputes, primarily the words of the courts. "Comme toujours, les juges auront le dernier mot."¹²

⁹ Llewellyn, The Bramble Bush, N.Y.: Oceana, 1951. p. 67.

¹⁰ Ibid., p. 64.

¹¹ This is fully developed in Shuchman, Problems of Knowledge in Legal Scholarship, University of Connecticut Press, 1980.

¹² Turi, "Réflexions sur la future déclarations des droits de l'homme au Canada," 9 *Thémis* 161 at 176 (1958).

JOURNAL VOLUMES SURVEYED

1. Alberta Law Review: v.4, 1958; v.6, 1967-68; v.16, 1978; v.17, 1979; v.18, 1980
2. Cahiers de Droit: v.3, 1957-58; v.9, 1967-68; v.19, 1978; v.20, 1979; v.21, 1980
3. Canadian Bar Review: v.36, 1958; v.46, 1968; v.56, 1978; v.57, 1979; v.58, 1980
4. Canadian Business Law Journal: v.2, 1977-78; v.3, 1978-79; v.4, 1979-80
5. Canadian Tax Journal: v.6, 1958; v.16, 1968; v.26, 1978; v.27, 1979; v.28, 1980
6. Canadian Yearbook of International Law: v.6, 1968; v.16, 1978; v.17, 1979; v.18, 1980
7. Criminal Law Quarterly: v.1, 1958-59; v.10, 1967-68; v.20, 1977-78; v.21, 1978-79; v.22, 1979-80
8. Dalhousie Law Journal: v.4, 1977-78; v.5, 1979; v.6, 1980
9. McGill Law Journal: v.5, 1958-59; v.14, 1968; v.24, 1978; v.25, 1979-80; v.26, 1980-81
10. Manitoba Law Journal: v.3, 1968-69; v.8, 1977-78; v.9, 1978-79; v.10, 1979-80
11. Osgoode Hall Law Journal: v.1, 1958-59; v.6, 1968; v.16, 1978; v.17, 1979; v.18, 1980
12. Ottawa Law Review: v.3, 1968-69; v.10, 1978; v.11, 1979; v.12, 1980
13. Queen's Law Journal: v.1, 1968-70; v.4, 1978; v.5, 1979; v.6, 1980-81
14. Revue de Droit: v.9, 1978-79; v.10, 1979; v.11, 1980-81
15. Revue du Barreau: v.18, 1958; v.28, 1968; v.38, 1978; v.39, 1979; v.40, 1980
16. Revue du Notariat: v.61, 1958-59; v.71, 1968-69; v.81, 1978-79; v.82, 1979-80; v.83, 1980-81
17. Revue Juridique Thémis (Thémis): v.9, 1958; v.3, 1968; v.13, 1978; v.14, 1979-80; v.15, 1980-81
18. Saskatchewan Law Review (Saskatchewan Bar Review): v.23, 1958; v.33, 1968; v.42, 1977-78; v.43, 1978-79; v.44, 1979-81
19. University of British Columbia Law Review (University of British Columbia Legal Notes): v.11, no. 6, 1958; v.3, 1968; v.12, 1978; v.13, 1979; v.14, 1979-80

20. University of New Brunswick Law Journal: v.11, 1958; v.18, 1968; v.27, 1978; v.28, 1979, v.29, 1980
21. University of Toronto Law Journal: v.12, 1957-58; v.18, 1968; v.28, 1978; v.29, 1979; v.30, 1980
22. University of Western Ontario Law Review (Western Law Review): v.7, 1968; v.16, 1977; v. 17, 1978-79; v.18, 1979-80

APPENDIX 2

LEGAL MONOGRAPHS OTHER THAN RESEARCH
ACQUIRED BY YORK UNIVERSITY LAW LIBRARY

	<u>1958</u>	<u>1968</u>	<u>1978</u>	<u>1980</u>
Popular Works	7	27	141	53
Proceedings	4	61	55	22
Educational	5	50	207	123
Government	3	13	14	1
Legal Reference	2	13	60	20
Legislation	3	28	38	10
Courts	4	8	9	4
Miscellaneous	<u>3</u> 31	<u>6</u> 206	<u>12</u> 536	<u>6</u> 239

[illegible]

1958 - JOURNAL ARTICLES, CONT.

Subject	D	TH	C ₁	C ₂	H	E	I	Total	Per Cent
Legal Education									
Legal History - Canadian									
Legal History - Other					2			2	1%
Legal Profession	1	1			1			3	2%
Legal Research									
Legislation									
Limitations									
Medical									
Motor Vehicles	1							1	1%
Municipal/Planning	1							1	1%
Natural Resources	2							2	1%
Negotiable Instruments									
Para-legal Services									
Patents and Trade Marks									
Personal Property	1							1	1%
Persons					1			1	1%
Poverty									
Practice and Procedure	2							2	1%
Privacy									
Private International									
Restitution									
Space									
Statistics									
Statutory Interpretation									
Tax	7	1			1	1		10	6%
Tort	6			1				7	4%
Trade Unions	3	1						4	3%
Transportation									
Trusts	1							1	1%
Unemployment Insurance									
Water	1	1			1			3	2%
Wills and Estates		1				1		2	1%
Women	1							1	1%
Other									
Maritime									
Civil Procedure									
Energy									
Law Enforcement									
Military	1							1	1%
Products Liability	1							1	1%
Real Property									
Regulation									
Remedies									
Securities									
Workers' Compensation									
Sentencing	1	2						3	2%
TOTAL	104	32	0	4	13	5	0	158	
PER CENT	66%	20%		3%	8%	3%			

D - Doctrinal
TH - Theoretical

C₁ - Comparative (Common Civil)
C₂ - Comparative (Transnational)

H - Historical
E - Empirical

I - Interdisciplinary

1968 - JOURNAL ARTICLES BY SUBJECT AND METHODOLOGY

Subject	D	TH	C ₁	C ₂	H	E	I	Total	Per Cent
Administration of Justice	1	3		2	2	1		9	2%
Administrative Law	2	3		1				6	2%
Agency	1							1	-
Air									
Arbitration	1							1	-
Bailment									
Bankruptcy									
Banking									
Children	3	1			1			5	1%
Citizenship									
Civil/Common	2				1			3	1%
Civil Rights	8	4			1			13	3%
Combines	2			2				4	1%
Commercial	5	2						7	2%
Communications		1						1	-
Comparative									
Compensation to Victims of Crime	1			1				2	1%
Computers		4				3		7	2%
Conflicts	7	1						8	2%
Constitutional	14	8			4	1		27	7%
Consumer Protection									
Contracts	6	2			1			9	2%
Cooperatives									
Copyright									
Corporations	11	4		1		1		17	4%
Creditor/Debtor	3	3		1				7	2%
Criminal	12	4		1		1		18	5%
Criminal Procedure	4	3		1		2		10	3%
Criminology/Penology		2					1	3	1%
Damages	5							5	1%
Divorce	9	3			1			13	3%
Religious							1	1	-
Economics					1			1	-
Education	1	1				1	1	4	1%
Employment	1							1	-
Environmental									
Estate Planning									
Evidence	4	2		1				7	2%
Expropriation	1	1						2	1%
Family	4	1						5	1%
Government		1			1			2	1%
Immigration	1							1	-
Native People	2				1			3	1%
Industrial Property									
Insurance	3	2						5	1%
International	7	11			4			22	6%
Jurisprudence		6		2	1			9	2%
Labor Relations	3	6						9	2%
Land	4							4	1%
Landlord/Tenant									
Law for Laymen									
Law Reform					1			1	-
Legal Aid				1	1			1	-
Legal Education	1	1			2			4	1%
Legal History - Canadian					1			1	-
Legal History - Other					2			2	1%

1968 - JOURNAL ARTICLES, CONT.

Subject	D	TH	C ₁	C ₂	H	E	I	Total	Per Cent
Legal Profession	6	2		1	1	1		11	3%
Legal Research						1		1	-
Legislation	1							1	-
Limitations	1							1	-
Medical	1							1	-
Motor Vehicles	2	1				1		4	1%
Municipal/Planning	2					1		3	1%
Natural Resources	2	3		1	1			7	2%
Negotiable Instruments									
Para-legal Services									
Patents and Trade Marks		1						1	-
Personal Property									
Persons									
Poverty						1		1	-
Practice and Procedure									
Privacy									
Private International	1							1	-
Restitution									
Space									
Statistics									
Statutory Interpretation	3	1						4	1%
Tax	11	9		2		5	1	28	7%
Tort	14	3						17	4%
Trade Unions	1	1						2	1%
Transportation	1							1	-
Trusts	2							2	1%
Unemployment Insurance									
Water									
Wills and Estates	5							5	1%
Women									
Other*	2	2					1	5	1%
Maritime	2		1		1			4	1%
Civil Procedure		1						1	-
Energy									
Law Enforcement		1						1	-
Military									
Products Liability				1				1	-
Real Property	4	1		1				6	2%
Regulation	2							2	1%
Remedies									
Securities	4	1		2				7	2%
Workers' Compensation									
Sentencing		2						2	1%
TOTAL	195	110	1	22	28	20	5	381	
PERCENT	51%	29%	-	6%	7%	5%	1%		

*Other= Social consequences of alcoholism
Curatelle publiques
Pensions

D - Doctrinal
TH - Theoretical
C₁ - Comparative (Common Civil)
C₂ - Comparative (Transnational)

H - Historical
E - Empirical
I - Interdisciplinary

1978 - JOURNAL ARTICLES BY SUBJECT AND METHODOLOGY

Subject	D	TH	C ₁	C ₂	H	E	I	Total	Per Cent
Administration of Justice	4	6			1	1		12	2%
Administrative Law	24	6		2	2			34	6%
Agency	3	1						4	1%
Air									
Arbitration	1							1	-
Bailment	1							1	-
Bankruptcy									
Banking	1				1			2	-
Children	9	4	1		1			15	3%
Citizenship	7	1			1	1	1	11	2%
Civil/Common				1				1	-
Civil Rights	9	6	1	1	1			18	3%
Combines	7			1		1		9	2%
Commercial	10	1	1		1	1		14	2%
Communications	2	2				1		5	1%
Comparative									
Compensation to Victims of Crime									
Computers					1			1	-
Conflicts	7	2		1				10	2%
Constitutional	12	5			2			19	3%
Consumer Protection	4	1			1			6	1%
Contracts	17	3	1		1			22	4%
Cooperatives	1							1	-
Copyright		1						1	-
Corporations	14	2						16	3%
Creditor/Debtor	5	3			1	1		10	2%
Criminal	16	7	2		2			27	5%
Criminal Procedure	4	2		1	1		1	9	2%
Criminology/Penology	2	3				1	2	8	1%
Damages	8							8	1%
Divorce	4	1						5	1%
Religious	1							1	-
Economics		3						3	1%
Education									
Employment	5							5	1%
Environmental	3	1		1				5	1%
Estate Planning									
Evidence	18	2			1		1	22	4%
Expropriation	1	2						3	1%
Family	10	5	1	1	1			18	3%
Government		1						1	-
Immigration	2							2	-
Native People	1							1	-
Industrial Property	1							1	-
Insurance	4	2						6	1%
International	6	13			5	1		25	4%
Jurisprudence	3	6		1				10	2%
Labor Relations	4	2				1		7	1%
Land	3							3	1%
Landlord/Tenant	3							3	1%
Law for Laymen									
Law Reform	1	4			1			6	1%
Legal Aid	1	2			1			4	1%
Legal Education	1	1			1	2	1	6	1%
Legal History - Canadian					1			1	-

1978 - JOURNAL ARTICLES CONT

Subject	D	TH	C ₁	C ₂	H	E	I	Total	Per Cent
Legal History - Other									
Legal Profession	4	1			3			8	1%
Legal Research									
Legislation	1							1	-
Limitations									
Medical	1	1	1					3	1%
Motor Vehicles	1							1	-
Municipal/Planning	1							1	-
Natural Resources	3	3			1	3	1	11	2%
Negotiable Instruments									
Para-legal Services									
Patents and Trade Marks									
Personal Property									
Persons									
Poverty									
Practice and Procedure		1			1			2	-
Privacy									
Private International	5	1						6	1%
Restitution	2	1						3	1%
Space									
Statistics	2						1	3	1%
Statutory Interpretation	2	2						4	1%
Tax	24	4		1	3	11	1	44	8%
Tort	17	1	1					19	3%
Trade Unions	3		1	1				5	1%
Transportation									
Trusts	2							2	-
Unemployment Insurance									
Water	2				1			3	1%
Wills and Estates	3							3	1%
Women									
Other*	5	3						8	1%
Maritime	2							2	-
Civil Procedure	2	1						3	1%
Energy									
Law Enforcement	3	2						5	1%
Military									
Products Liability									
Real Property	3	2						5	1%
Regulation	3	2				2		7	1%
Remedies	1							1	-
Securities	5	3		1				9	2%
Workers' Compensation									
Sentencing	1							1	-
TOTAL	338	+129	+ 10	+ 13	+ 37	+ 27	+ 9	= 563	
PER CENT	60%	23%	2%	2%	7%	5%	2%		

*Other= Public Inquiries, Language,
Casting Vote, Radiations

D	- Doctrinal	H	- Historical
TH	- Theoretical	E	- Empirical
C ₁	- Comparative (Common Civil)	I	- Interdisciplinary
C ₂	- Comparative (Transnational)		

1979 - JOURNAL ARTICLES BY SUBJECT AND METHODOLOGY

Subject	D	TH	C ₁	C ₂	H	E	I	Total	Per Cent
Administration of Justice	3	7		1	5	2		18	3%
Administrative Law	15	4				1		20	4%
Agency	1							1	-
Air	1	1						2	-
Arbitration									
Bailment									
Bankruptcy	1							1	-
Banking	3							3	1%
Children	3	4		1	1			9	2%
Citizenship	6	2		1		1	1	11	2%
Civil/Common									
Civil Rights	7	9	2	1		1	1	21	4%
Combines	2				1			3	1%
Commercial	3							3	1%
Communications	3	1						4	1%
Comparative									
Compensation to Victims of Crime									
Computers									
Conflicts	3	3						6	1%
Constitutional	22	21		4	3			50	9%
Consumer Protection	4				1			5	1%
Contracts	11	2						13	2%
Cooperatives									
Copyright	1							1	-
Corporations	7	4			1	1	1	14	3%
Creditor/Debtor	8							8	1%
Criminal	25	4		1	1		1	32	6%
Criminal Procedure	8	1			1	1	1	12	2%
Criminology/Penology	3	2				1		6	1%
Damages	7	4					2	13	2%
Divorce	4							4	1%
Religious					1			1	-
Economics	1	6		1		1	4	13	2%
Education									
Employment	4	2						6	1%
Environmental	1							1	-
Estate Planning									
Evidence	14					1	1	16	3%
Expropriation	3	1				1		5	1%
Family	8				2	1		11	2%
Government	2	6			3	2	2	15	3%
Immigration	1							1	-
Native People					1			1	-
Industrial Property	1							1	-
Insurance	4	1						5	1%
International	5	13			14			32	6%
Jurisprudence		8			2			10	2%
Labor Relations	4	4		1	1			10	2%
Land	3				4			7	1%
Landlord/Tenant									
Law for Laymen									
Law Reform	1	1						2	-
Legal Aid		1						1	-
Legal Education		1			2			3	1%
Legal History - Canadian					3			3	1%

1979 - JOURNAL ARTICLES, CONT.

Subject	D	TH	C ₁	C ₂	H	E	I	Total	Per Cent
Legal History - Other					1			1	-
Legal Profession	1	3		1				5	1%
Legal Research					1			1	-
Legislation		2			2			4	1%
Limitations									
Medical	2	2						4	1%
Motor Vehicles									
Municipal/Planning	3				1			4	1%
Natural Resources	9					1		10	2%
Negotiable Instruments		1						1	-
Para-legal Services									
Patents and Trade Marks	1							1	-
Personal Property									
Persons	1	1						2	-
Poverty									
Practice and Procedure	1	1			1	1		4	1%
Privacy	1	1						2	-
Private International	2			1	1			4	1%
Restitution	6	1						7	1%
Space	1							1	-
Statistics	2					1	2	5	1%
Statutory Interpretation									
Tax	15	4			3	7	1	30	5%
Tort	8	2		1	1			12	2%
Trade Unions	1							1	-
Transportation	1				1			2	-
Trusts	1							1	-
Unemployment Insurance									
Water									
Wills and Estates	4							4	1%
Women	2	1			2			5	1%
Other*	3				1			4	1%
Maritime	2							2	-
Civil Procedure					1			1	-
Energy									
Law Enforcement	1	1						2	-
Military	1	1						2	-
Products Liability	3		1					4	1%
Real Property	3		1					4	1%
Regulation	4	1			1			6	1%
Remedies	1				1			2	-
Securities	7	3				1	1	12	2%
Workers' Compensation	1	1		1				3	1%
Sentencing	1	2		1		1	1	6	1%
TOTAL	292	+141	+ 4	+ 16	+ 65	+ 26	+ 19	= 563	
PER CENT	52%	25%	1%	3%	12%	5%	3%		

*Other= Elections, Judges as Royal Commissions
Referenda, Obligations to the Dead

D - Doctrinal
TH - Theoretical
C₁ - Comparative (Common Civil)
C₂ - Comparative (Transnational)
H - Historical
E - Empirical
I - Interdisciplinary

1980 - JOURNAL ARTICLES BY SUBJECT AND METHODOLOGY

Subject	D	TH	C ₁	C ₂	H	E	I	Total	Per Cent
Administration of Justice	3	2	1	1	5	2		14	2%
Administrative Law	20	7	1	1	2			31	5%
Agency									
Air									
Arbitration	3		1			1		5	1%
Bailment									
Bankruptcy	2							2	-
Banking	2	1	1					4	1%
Children	6			1			1	8	1%
Citizenship	1	1						2	-
Civil/Common		1	1		1			3	1%
Civil Rights	9	1		3	1			14	2%
Combines	1	1						2	-
Commercial	2	1	1					4	1%
Communications	3	2		1		1		7	1%
Comparative	1	1						2	-
Compensation to Victims	1	1						2	-
Computers					1			1	-
Conflicts	3			1				4	1%
Constitutional	17	6		3	4			30	5%
Consumer Protection	4				1			5	1%
Contracts	21	5	1	4	1		1	33	6%
Cooperatives									
Copyright		1						1	-
Corporations	6	5			1			12	2%
Creditor/Debtor	7		1					8	1%
Criminal	18	3	1	1	5		1	29	5%
Criminal Procedure	11	2			1	1		15	3%
Criminology/Penology		2			1			3	1%
Damages	5							5	1%
Divorce	1							1	-
Religious									
Economics	2	4		1		4	6	17	3%
Education	1			1				2	-
Employment	4							4	1%
Environmental	1				1			2	-
Estate Planning	1							1	-
Evidence	10				1			11	2%
Expropriation									
Family	12	2		2				16	3%
Government		2			1		2	5	1%
Immigration									
Native People	3			1	1			5	1%
Industrial Property									
Insurance	3				1			4	1%
International	7	4			13			24	4%
Jurisprudence	3	4					1	8	1%
Labor Relations	5	1	1		1	1		9	2%
Land	3				1			4	1%
Landlord/Tenant	2	1						3	1%
Law for Laymen		1						1	-
Law Reform									
Legal Aid					1			1	-
Legal Education	9				5			14	2%
Legal History - Canadian					3			3	1%

1980 - JOURNAL ARTICLES, CONT.

Subject	D	TH	C ₁	C ₂	H	E	I	Total	Per Cent
Legal History - Other									
Legal Profession	2	2			1	1		6	1%
Legal Research		1			2			3	1%
Legislation		5			2	2		9	2%
Limitations									
Medical	4	5			1		3	13	2%
Motor Vehicles									
Municipal/Planning	4	1			2			7	1%
Natural Resources	11	4		1	2	1		19	3%
Negotiable Instruments	1							1	-
Para-legal Services									
Patents and Trade Marks									
Personal Property									
Persons		2						2	-
Poverty									
Practice and Procedure	3	1		1				5	1%
Privacy	2	2		1				5	1%
Private International	3	2		1	1			7	1%
Restitution	4							4	1%
Space		2						2	-
Statistics						2		2	-
Statutory Interpretation	3	1			1			5	1%
Tax	15	4		2	1	5	9	36	6%
Tort	12	2	1	1			1	17	3%
Trade Unions	2				1			3	1%
Transportation					1			1	-
Trusts	2							2	-
Unemployment Insurance									
Water	1				1			2	-
Wills and Estates	4				1			5	1%
Women									
Other*		1					1	2	-
Maritime		1						1	-
Civil Procedure	2							2	-
Energy									
Law Enforcement	2	1						3	1%
Military									
Products Liability	4	1		1				6	1%
Real Property	1							1	-
Regulation	7	2		1	1	2		13	2%
Remedies	2	1		1		1		5	1%
Securities	3	1					1	5	1%
Workers' Compensation	1	2						3	1%
Sentencing		1						1	-
TOTAL	308	+107	+ 11	+ 31	+ 71	+ 24	+ 27	= 579	
PER CENT	53%	18%	2%	5%	12%	4%	5%		

*Other= Linguistics and behavior
Preventive Law

D - Doctrinal

TH - Theoretical

C₁ - Comparative (Common Civil)

C₂ - Comparative (Transnational)

H - Historical

E - Empirical

I - Interdisciplinary

RESEARCH MONOGRAPHS - 1958 BY SUBJECT AND METHODOLOGY

Subject	D&TH	C ₁	C ₂	H	E	Total	Per Cent
Administration of Justice							
Administrative Law							
Agency							
Air							
Arbitration							
Bailment							
Bankruptcy							
Banking							
Children							
Citizenship							
Civil/Common							
Civil Rights							
Combines	1				5	6	15%
Commercial	1					1	3%
Communications							
Comparative		1				1	3%
Compensation to Victims of Crime							
Computers							
Conflicts	1					1	3%
Constitutional							
Consumer Protection							
Contracts							
Cooperatives							
Copyright	1					1	3%
Corporations							
Creditor/Debtor	1					1	3%
Criminal	1					1	3%
Criminal Procedure							
Criminology/Penology	1					1	3%
Damages							
Divorce							
Religious	2					2	5%
Economics							
Education							
Employment							
Environmental							
Estate Planning							
Evidence	1					1	3%
Expropriation							
Family							
Government							
Immigration							
Native People							
Industrial Property	1					1	3%
Insurance							
International							
Jurisprudence	3		1			4	10%
Labor Relations	2					2	5%
Land							
Landlord/Tenant	1					1	3%
Law for Laymen							
Law Reform							
Legal Aid							
Legal Education							
Legal History - Canadian							

1958 MONOGRAPHS, CONT.

Subject	D&TH	C1	C2	H	E	Total	Per Cent
Legal History - Other							
Legal Profession							
Legal Research							
Legislation							
Limitations							
Medical							
Motor Vehicles							
Municipal/Planning	3					3	8%
Natural Resources							
Negotiable Instruments							
Para-legal Services							
Patents and Trade Marks	1					1	3%
Personal Property							
Persons							
Poverty							
Practice and Procedure	1					1	3%
Privacy							
Private International							
Restitution							
Space							
Statistics							
Statutory Interpretation							
Tax	4					4	10%
Tort							
Trade Unions							
Transportation							
Trusts							
Unemployment Insurance							
Water							
Wills and Estates							
Women							
Other*	4					4	10%
Maritime							
Civil Procedure							
Energy							
Law Enforcement							
Military							
Products Liability							
Real Property							
Regulation	1					1	3%
Remedies							
Securities							
Workers' Compensation	1					1	3%
Sentencing							
	32 + 1 + 1 + 0 + 5 =					39	
	82% 3% 3% - 13%						

Other = Shipping
Tariff

D&TH - Doctrinal/Theoretical
C1 - Comparative (Common Civil)
C2 - Comparative (Transnational)

H - Historical
E - Empirical
I - Interdisciplinary

RESEARCH MONOGRAPHS - 1968 BY SUBJECT AND METHODOLOGY

Subject	D&TH	C ₁	C ₂	H	E	Total	Per Cent
Administration of Justice	9					9	4%
Administrative Law	2					2	1%
Agency	1					1	-
Air							
Arbitration							
Bailment							
Bankruptcy	1					1	-
Banking	2					2	1%
Children	1					1	-
Citizenship							
Civil/Common							
Civil Rights	9					9	4%
Combines					3	3	1%
Commercial	1					1	-
Communications	2					2	1%
Comparative							
Compensation to Victims	3					3	1%
Computers	2					2	1%
Conflicts	1					1	-
Constitutional	7					7	3%
Consumer Protection							
Contracts	2					2	1%
Cooperatives	1					1	-
Copyright							
Corporations	3					3	1%
Creditor/Debtor							
Criminal	6					6	3%
Criminal Procedure	2					2	1%
Criminology/Penology	1				2	3	1%
Damages							
Divorce	1					1	-
Religious				1		1	-
Economics	1					1	-
Education	2					2	1%
Employment							
Environmental	1					1	-
Estate Planning							
Evidence							
Expropriation	1					1	-
Family	9					9	4%
Government	7				1	8	4%
Immigration							
Native People	2					2	1%
Industrial Property							
Insurance	3					3	1%
International	2			1		3	1%
Jurisprudence							
Labor Relations	22				4	26	12%
Land	1					1	-
Landlord/Tenant	1					1	-
Law for Laymen							
Law Reform							
Legal Aid							
Legal Education							
Legal History - Canadian	2					2	1%

1968 - MONOGRAPHS, CONT

Subject	D&TH	C ₁	C ₂	H	E	Total	Per Cent
Legal History - Other							
Legal Profession	1				1	2	1%
Legal Research							
Legislation							
Limitations							
Medical	2					2	1%
Motor Vehicles	2					2	1%
Municipal/Planning	7				1	8	4%
Natural Resources							
Negotiable Instruments							
Para-legal Services							
Patents and Trade Marks							
Personal Property							
Persons							
Poverty	2					2	1%
Practice and Procedure	1					1	-
Privacy	2					2	1%
Private International							
Restitution							
Space							
Statistics							
Statutory Interpretation							
Tax	39				1	40	19%
Tort	2					2	1%
Trade Unions	1			1		2	1%
Transportation	3					3	1%
Trusts							
Unemployment Insurance	1					1	-
Water	3					3	1%
Wills and Estates	1					1	-
Women	3					3	1%
Other*	1					1	-
Maritime							
Civil Procedure	5					5	2%
Energy							
Law Enforcement	1					1	-
Military	1					1	-
Products Liability							
Real Property							
Regulation	3					3	1%
Remedies							
Securities	2				1	3	1%
Workers' Compensation							
Sentencing	1					1	-
TOTAL	195 +	0 +	0 +	3 +	14 =	212	
PER CENT	92%	-	-	1%	7%		

* Other = Festschrift

D&TH - Doctrinal/Theoretical

C₁ - Comparative (Common Civil)

C₂ - Comparative (Transnational)

H - Historical

E - Empirical

I - Interdisciplinary

RESEARCH MONOGRAPHS - 1978 BY SUBJECT AND METHODOLOGY

Subject	D&TH	C ₁	C ₂	H	E	Total	Per Cent
Administration of Justice	8				2	10	3%
Administrative Law	11					11	3%
Agency	2					2	1%
Air							
Arbitration	4					4	1%
Bailment							
Bankruptcy	2					2	1%
Banking	8					8	2%
Children	14					14	4%
Citizenship	1					1	-
Civil/Common							
Civil Rights	14					14	4%
Combines	9					9	2%
Commercial	4					4	1%
Communications	1					1	-
Comparative							
Compensation to Victims of Crime			1			1	-
Computers							
Conflicts	2					2	1%
Constitutional	7			2		9	2%
Consumer Protection	1				1	2	1%
Contracts	2					2	1%
Cooperatives	1					1	-
Copyright	5					5	1%
Corporations	8				1	9	2%
Creditor/Debtor	7					7	2%
Criminal	5			1	4	10	3%
Criminal Procedure	3				1	4	1%
Criminology/Penology	15			1	9	25	7%
Damages	3					3	1%
Divorce	2					2	1%
Religious							
Economics	7					7	2%
Education	1					1	-
Employment	3					3	1%
Environmental	8					8	2%
Estate Planning	1					1	-
Evidence	3					3	1%
Expropriation							
Family	12			1	1	14	4%
Government	18					18	5%
Immigration	1					1	-
Native People	4			2		6	2%
Industrial Property							
Insurance	5					5	1%
International	3			1		4	1%
Jurisprudence	1					1	-
Labor Relations	5		1			6	2%
Land	2			1		3	1%
Landlord/Tenant	5					5	1%
Law for Laymen							
Law Reform							
Legal Aid	6					6	2%
Legal Education				1		1	-
Legal History - Canadian							

1978 - MONOGRAPHS, CONT.

Subject	D&TH	C ₁	C ₂	H	E	Total	Per Cent				
Legal History - Other											
Legal Profession	3			1	1	5	1%				
Legal Research					1	1	-				
Legislation	1					1	-				
Limitations	1					1	-				
Medical	8					8	2%				
Motor Vehicles	1				1	2	1%				
Municipal/Planning	6					6	2%				
Natural Resources											
Negotiable Instruments	1					1	-				
Para-legal Services	1					1	-				
Patents and Trade Marks											
Personal Property											
Persons	1					1	-				
Poverty											
Practice and Procedure	1					1	-				
Privacy	6					6	2%				
Private International											
Restitution											
Space											
Statistics											
Statutory Interpretation	1					1	-				
Tax	18	1	1		1	21	6%				
Tort	3					3	1%				
Trade Unions											
Transportation	2					2	1%				
Trusts											
Unemployment Insurance	1					1	-				
Water											
Wills and Estates	1					1	-				
Women	2					2	1%				
Other*	21			1	3	25	7%				
Maritime	1					1	-				
Civil Procedure	2					2	1%				
Energy				2		2	1%				
Law Enforcement	7				3	10	3%				
Military											
Products Liability	3		1			4	1%				
Real Property	6					6	2%				
Regulation	8					8	2%				
Remedies	1					1	-				
Securities											
Workers' Compensation	1					1	-				
Sentencing	1					1	-				
TOTAL	333	+	1	+	4	+	14	+	29	=	381
PER CENT	87%		-		1%		4%		8%		

* Other = Professions, Elections,
Foreign Investment,
Hazardous Substances, Pensions

D&TH - Doctrinal/Theoretical

C₁ - Comparative (Common Civil)

C₂ - Comparative (Transnational)

H - Historical

E - Empirical

I - Interdisciplinary

RESEARCH MONOGRAPHS - 1980 BY SUBJECT AND METHODOLOGY

Subject	D&TH	C ₁	C ₂	H	E	Total	Per Cent
Administration of Justice	6			2	1	9	5%
Administrative Law	6					6	3%
Agency							
Air	2					2	1%
Arbitration	2					2	1%
Bailment							
Bankruptcy							
Banking							
Children	4					4	2%
Citizenship							
Civil/Common							
Civil Rights	3				1	4	2%
Combines							
Commercial	3					3	2%
Communications	2					2	1%
Comparative							
Compensation to Victims of Crime							
Computers							
Conflicts	2					2	1%
Constitutional	10			2		12	6%
Consumer Protection							
Contracts							
Cooperatives							
Copyright	1		1			2	1%
Corporations	6					6	3%
Creditor/Debtor	6					6	3%
Criminal	3					3	2%
Criminal Procedure	3					3	2%
Criminology/Penology	7				3	10	5%
Damages	2					2	1%
Divorce							
Religious	1					1	1%
Economics	5					5	3%
Education	1					1	1%
Employment	3					3	2%
Environmental	2					2	1%
Estate Planning							
Evidence	1					1	1%
Expropriation							
Family	6					6	3%
Government	5					5	3%
Immigration							
Native People	4		1			5	3%
Industrial Property							
Insurance	1					1	1%
International	1					1	1%
Jurisprudence	4					4	2%
Labor Relations	5			2		7	4%
Land	1			1		2	1%
Landlord/Tenant	1					1	1%
Law for Laymen							
Law Reform					1	1	1%
Legal Aid							
Legal Education							
Legal History - Canadian							

1980 - MONOGRAPHS, CONT.

Subject	D&TH	C ₁	C ₂	H	E	Total	Per Cent				
Legal History - Other											
Legal Profession					1	1	1%				
Legal Research	1					1	1%				
Legislation	1					1	1%				
Limitations	1					1	1%				
Medical	5					5	3%				
Motor Vehicles											
Municipal/Planning	2					2	1%				
Natural Resources	2					2	1%				
Negotiable Instruments											
Para-legal Services											
Patents and Trade Marks											
Personal Property	1					1	1%				
Persons											
Poverty											
Practice and Procedure	1					1	1%				
Privacy	1					1	1%				
Private International	1					1	1%				
Restitution											
Space											
Statistics	1					1	1%				
Statutory Interpretation											
Tax	12					12	6%				
Tort	6					6	3%				
Trade Unions	2					2	1%				
Transportation	3					3	2%				
Trusts	1					1	1%				
Unemployment Insurance											
Water											
Wills and Estates	3					3	2%				
Women					1	1	1%				
Other*	3				1	4	2%				
Maritime											
Civil Procedure	4					4	2%				
Energy											
Law Enforcement	5			2		7	4%				
Military											
Products Liability											
Real Property											
Regulation	8					8	4%				
Remedies											
Securities	2					2	1%				
Workers' Compensation											
Sentencing											
TOTAL	175	+	0	+	2	+	9	+	9	=	195
PER CENT	88%		-		1%		5%		5%		

* Other = Unauthorized Disbursement of Public Funds,
Language Policy, Art,
Pensions

D&TH - Doctrinal Theoretical
C₁ - Comparative (Common Civil)
C₂ - Comparative (Transnational)

H - Historical
E - Empirical
E - Interdisciplinary

